

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 DAVID A. HANO,

4 Plaintiff,

5 v.

6 STATE OF NEVADA, *et al.*,

7 Defendants.  
8

Case No. 2:19-cv-02246-GMN-EJY

**ORDER**

9 **I. DISCUSSION**

10 On December 30, 2019, Plaintiff, an inmate in the custody of the Nevada Department of  
11 Corrections (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an  
12 application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On January 3, 2020, this Court issued  
13 an Order denying Plaintiff’s application to proceed *in forma pauperis* without prejudice to file a new  
14 application because Plaintiff’s application had been incomplete. (ECF No. 3). On January 9, 2020,  
15 Plaintiff filed a financial certificate. (ECF No. 4). Plaintiff’s application remains incomplete.

16 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must submit a fully  
17 complete application to proceed *in forma pauperis* on this Court’s approved form and attach both an  
18 inmate account statement for the past six months and a properly executed financial certificate.  
19 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court’s approved  
20 form or an inmate account statement for the past six months and a properly executed financial  
21 certificate. As such, the *in forma pauperis* application is denied without prejudice. The Court will  
22 retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
23 payment of the filing fee is resolved. Plaintiff will be granted **one final opportunity** to cure the  
24 deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing  
25 fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he  
26 must file a fully complete application to proceed *in forma pauperis* and attach both an inmate account  
27 statement for the past six months and a properly executed financial certificate. If Plaintiff files  
28 another incomplete application to proceed *in forma pauperis*, the Court will dismiss the case in its

1 entirety, without prejudice, to file a new case when Plaintiff is able to acquire the necessary  
2 documents to file a complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court WILL  
5 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
6 as the document entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this Order,  
8 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct  
9 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the  
10 full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative  
11 fee).

12 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma pauperis*  
13 is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case when  
14 he is able to acquire the necessary documents to file a complete application to proceed *in forma*  
15 *pauperis*.

16 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order,  
17 dismissal of this action may result.

18 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.  
19 1-1) but will not file it at this time.

20 DATED: January 13, 2020

21   
22 ELAYNA J. YOUCHAK  
23 UNITED STATES MAGISTRATE JUDGE  
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